



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, October 27, 2021

5:30 PM

Council Chambers

I. Call to Order, Roll Call

Chairman Baugh called the meeting to order and a quorum was established with Commissioner Mandel absent.

II. PUBLIC COMMENT: None.

III. Approval of Absences: Commissioner Mandel

A motion was made by Commissioner York to approve the absence listed above and it was seconded by Commissioner Zarghouni. The motion passed.

IV. Approval of Minutes

1. [21-1507](#) Regular Meeting Minutes of October 13, 2021

A motion was made by Vice Chairman Dibble to approve the minutes listed above and it was seconded by Commissioner . The motion passed.

V. Briefing

2. [21-1512](#) Community Enrichment Fund Processes and Proposed Unified Development Code (UDC) Changes.

Neiman Young, Assistant City Manager, presented item "2" for the record as shown above and informed the Commission that the point of the Community Enrichment Fund (CEF) is to develop open space. The City gains open space by two approaches: Dedicate land or pay a fee in lieu of dedicating land (FILO); pay a Park Development fee or make park development improvements. The revenue generated by FILO and Park Development fees is placed into the Community Enrichment Fund.

Next he gave details about the first approach of land dedication versus fee in lieu of land (FILO). According to the UDC, a developer is required to dedicate 1-acre of land for 100 homes. If the developer is not willing or able to dedicate the land, they have the option to pay the fee proportional to the amount of land that is required to be dedicated. The fair market value may not exceed \$62,500.00/acre. A developer would be required to dedicate 1-acre of land or pay s \$62,500 fee in lieu of dedicating land.

Mr. Young went on to give details about the second approach of Park Development Fees versus Park Development Improvements (park that is being gifted to the city or an established park in the City). The park development fee is \$200/dwelling unit (ex: 100-units = \$20,000). The \$62,500 FILO fee plus the \$20,000 Park Development Fee would total \$82,500. This total may seem steep but for better context, a budget summary was provided defining the cost to develop a 1-acre park with basic amenities which totals approximately \$875,000. Our current ordinance only generates \$82,500 in revenue thus leaving us with a deficit of \$792,025.

Mr. Young explained that there are current challenges (budget line items) within the CEF. Fees are assigned to budget line items for each development; this led to the creation of 165 budget lines (difficult to track revenue and expenditures). This has made it notably challenging to assure expenditures comply with the 5-mile radius, UDC requirement for FILO. Budget line items are no longer being created. Therefore, new funding is being assigned to legacy budget lines. Intermingled funding will become increasingly convoluted as more residential development takes place across the City. The naming convention for budget line items is not standardized and does not allow for quick identification. The department does not have a detailed process to prioritize/communicate CEF investments in the community; the community has expressed concerns about transparency and stakeholder buy-in.

Next, Mr. Young explained the challenges associated with the UDC's 5-mile restriction requirement for FILO. To give the restriction context, 5-mile areas were mapped across the City for the 165 budget line items. It was discovered that one budget line item covers a very large development area. Only 32 developments (20%) represent 165 budget line items. This has determined that managing over 165 budget line items is inefficient. With so much development in our community, the City is littered with these five-mile areas thus leading to redundancy and overlap. The five-mile restriction is not effectively achieving the original intent of keeping the development fee revenue in the areas where development is occurring.

Staff recommends simplifying the five-mile restriction by tracking fees via area development zones. Use of the Area Development Zones (Southside, Northwest, Airport, Flour Bluff, Padre Island, Westside, Downtown, London & Midtown) will address overlaps and ensure that the park fees remain in the region of each development. The use of area development zones will also allow the reduction of budget line items. Understanding these challenges with the legacy process, Staff recommends that we update our policies to include developing an annual CEF budget. This budget can be presented during the annual operating budget process.

Mr. Young continued the presentation with an analysis on the Park Dedication Ordinance. Park dedication requirements have not been updated since 2013; Park Development fees have not been updated since 2007. The current fee structure does not provide adequate funding to meet public demand. There have been missed opportunities since fees can be reviewed and revised by City Council every two years. Mr. Young provided

information comparing park dedication ordinances of other Texas cities. Texas cities write their park dedication ordinances differently. For current level of service, the population, current park acreage, and persons per household are used to determine the number for future land dedication. For maintenance, Staff recommends updating the dedication requirement to ONE ACRE PER 57 dwelling units to maintain current level of service (current dedication requirement is one acre per 100 dwelling units).

Next, Mr. Young went over the proposed Park Development fee implementation. Staff is not recommending a change for this fiscal year, but looking at projected long-term inflation, recommending a fee increase using the Consumer Price Index starting fiscal year 2023. He provided a chart to show the impact of park amenities with the proposed fee implementation.

Mr. Young concluded the presentation with a summary of recommendations:

1. Amend UDC to rename the "Community Enrichment Fund" to the "Park Development Fund", and rename the "Park Development Fee" to the "Park Improvement Fee"
2. Amend the UDC to dissolve the five-mile radius requirement and restrict the use of Fee in Lieu of Land funding to the City Area Development Zone of the contributing residential development
3. Amend the UDC to change land dedication requirement from one acre per 100 dwelling units to one acre per 57 dwelling units
4. Increase the Park Development fee to remain in keeping with the Consumer Price Index
5. Adopt the proposed FY22 Community Enrichment Fund Budget
6. Update budget finance policy to require the City Manager to present a proposed CEF budget with the Operating Budget and Capital Budget
- Remove language allowing for a refund of fees if not spent within seven years
7. Restrict Park Development fees to the Area Development Zone of the contributing development
8. Assistant City Manager of Park and Recreation shall determine the amount of the FILO

After Staff's presentation, the floor was opened for Commission comments/questions. With regard to benchmarking, Vice Chairman Dibble would have like to have seen cities that are more comparable in size to Corpus Christi ; the briefing lacked the City's contribution to open space with ongoing property tax revenue. Commissioner Schroeder expressed he is in favor of using area development zones for the CEF and would like to see the Planning Department's involvement in selecting areas of value. He felt the land that has been dedicated in the past has not been planned well (random, left over land) and therefore, there is a lack of amenities with a park that goes unused. He felt that the City would benefit from linear parks due to how the City grows and the use of flood prone areas for green space should be considered. Commissioner York would like more specific analysis on what other cities are doing differently. He mentioned Fort Worth since their fees are lower than Corpus Christi. No action was taken on this item.

VI. Consent Public Hearing (Items A & B): Discussion and Possible Action

Chairman Baugh stated items "8 & 11" will be pulled from the Consent Agenda for individual consideration and asked Staff to present the remaining Consent Agenda, items "3 through 7; 9 & 10". Andrew Dimas, Development Services, read the Consent Agenda items into the record. New Plat items "3 through 7" satisfy all requirements of the UDC/State Law and the Technical Review Committee (TRC) recommends approval. Staff also recommends approval for New Zoning items "9 & 10" as stated in Staff's report.

After Staff's presentation, Chairman Baugh opened the public hearing. The following individuals addressed the Commission and expressed opposition to item "9". They expressed concerns for an increase in traffic and safety as the subject property is near a private school/childrens hospital. They felt that there are plenty of car washes within driving distance and it is not beneficial at this location. Noise levels were a concern as well as the chemicals that would be produced by the car wash. A concern was also mentioned about the capacity of infrastructure (power outages).

Glenn Tiller at 3202 Topeka Street
Mike Schuchs at 3234 Topeka Street
Raul at 3212 Topeka Street
John Barron at 3267 Topeka Street
Samuel Gutierrez at 3233 Topeka Street

With no one else coming forward the public hearing was closed. Discussion commenced on this item. Staff explained the zoning pattern in the area and adjacent properties; how noise must be compliant with Section 31-3 of the Corpus Christi Code of Ordinances. The proposed development will not be paired with a service station and will be a "stand-alone" car wash. Staff clarified the uses allowed in the "CN-1" district; traffic impacts were discussed. The Existing and Future Land Use maps were also presented; the Future Land Use map (FLUM) designates this property as a commercial use.

A motion was made by Vice Chairman Dibble to approve items "3 through 7; 10" as presented by Staff and it was seconded by Commissioner Zarghouni. The motion passed. A motion was made by Vice Chairman Dibble to approve item "9" as presented by Staff and it was seconded by Commissioner Gonzalez. A roll call vote took place and the motion did not pass with Commissioners Schroeder, Zarghouni, Miller, York and Salazar-Garza voting "no". Commissioner Miller made a motion to deny the change of zoning request and it failed for lack of a second.

At this time, Chairman Baugh reopened the public hearing to give the applicant, Joseph Earnest at 2208 W. 700 South, Springville, Utah, an opportunity to speak on this item (applicant had not been aware that the public hearing had closed). He reiterated that the FLUM designates the subject property as a commercial use but they requested a less intense district of "CN-1"; felt that this corner lot is a prime location for a car wash. He said Quick Quack ensures that the size of potential sites are more than adequate in size to accommodate vehicle stacking/contain traffic. He said they are willing to construct a

masonry wall along the east side of the property. He said they want to be good neighbors and they take meaningful measures to reduce levels of noise from the car wash machines and adjust lighting during seasonal hours of operation.

Commissioner Schroeder expressed that he is in opposition to the change of zoning and not the business use itself. He felt this is a sensitive area and it currently has congestion issues. Further discussion took place regarding vehicle stacking and if the all lanes of the car wash would remain accessible during the entirety of business hours. Mr. Earnest assured Commissioners that vehicle stacking should not reach full capacity and will not flow out onto the street. He said he is amenable to Special Permit conditions. Chairman Baugh closed the public hearing once more.

A motion was made by Commissioner Gonzalez to table item "9" to the December 8, 2021 Commission meeting so that Staff can work out Special Permit conditions with the applicant. The motion was seconded by Commission York and the motion passed.

A. Plats

3. [21-1486](#) 21PL1053
LA VILLA HERMOSA PUD PHASE 1 (FINAL - 20.710 ACRES)
Located south of Agnes Street and east of Navigation Boulevard.
4. [21-1487](#) 21PL1127
CABANISS ACRES, BLOCK 8, LOT 7A (FINAL - 1.283 ACRES)
Located east of Crosstown Expressway (HWY 286 Access Road) and south Holly Road.
5. [21-1489](#) 21PL1132
KOOLSIDE ADDITION, BLOCK 7, LOT 6R (FINAL REPLAT - 0.1607 ACRES)
Located south of Gollihar Road between Bobalo Drive and Lum Avenue.
6. [21-1490](#) 21PL1134
Laguna Vista Shores, Block 17, Lot 7R (Final Replat - 0.230 Acre)
Located at the intersection of Laguna Shores Road and Clearview Drive.
7. [21-1491](#) 21PL1137
FARMER'S ROW SUBdivision, BLK 1, LOTS 2AB & 2D THRU 2I (REPLAT - 11.99 ACRES)
Located east of South Staples Street (FM 2444) and north of Yorktown Boulevard.

B. New Zoning

8. [21-1508](#) **Public Hearing - Rezoning Property at or near 4716 Ocean Drive**
Case No. 1021-05, Shekhar Siddappa Raj: Ordinance rezoning property at or near 4716 Ocean Drive (located along the north side of Ocean Drive, and the

north end Airline Road, and along the side of the Corpus Christi Bay) from the "RS-10" Single-Family 10 District to the "RM-AT" Multifamily AT District.

Mr. Dimas presented item "8" for the record as shown above. The applicant previously proposed a single-family home on the vacant lot (permit issued/construction never began). Due to the development of the condominiums (Alexa Apartments) adjacent to the property, the owner is seeking additional development options for the sale of the land but there are currently no development plans. For better understanding, Staff provided an example of a potential apartment development on the 0.72-acre property with a maximum density of 43 units which would require 95 parking spaces. This example demonstrated that apartments will not fit on this small site to additionally include landscaping, buffer yards/setback and height requirements. Staff felt that a townhome or duplex development would be a better transition. Also, at one point, the applicant discussed selling the property to the adjacent property owners of the Alexa Apartments.

Mr. Dimas presented an aerial map of the subject property along with the Future Land Use map (FLUM). Mr. Dimas went over the history of zoning patterns in the area and adjacent development (UDC requirements - setbacks/buffer yards, etc.), along with available municipal facilities. The subject property is located at a major intersection (Ocean Drive and Airline Road). Adjacent properties consist of similar intensity of zoning and are proposed to have high density residential uses. He informed the Commission that of the 8 public notices mailed, three notices were returned in opposition and zero were returned in favor. Staff recommends approval of the change of zoning from the "RS-10" Single-Family 10 District to the "RM-AT" Multifamily AT District.

After Staff's presentation, the floor was opened for Commissioner comments/questions. Discussion took place regarding driveway standards (ingress/egress) since the location is a high traffic area. After discussion concluded, the public hearing was opened. The owner, Shekhar Raj, addressed the Commission in support of his request. He said they have no intentions to build apartments as the lot size is too small but at this time are not certain what they will end up developing. He did not sell his property to the owners of the Alexa Apartments because they offered less than the market value. He said he faces challenges with the property as it is difficult to sell a "high-end" piece of property near an apartment complex that he is still paying property taxes on. The adjacency to the apartment complex will devalue his property. He also mentioned that since his land is vacant, the second phase of the adjacent apartment complex will only have a 30-foot buffer between the properties.

The following individuals addressed the Commission in opposition to the proposed rezoning request. Majority of the comments stated that everything east of Airline Road should remain as single-family development. They said the property was not intended for apartment development and everything west of Airline Road is meant for the "RM-AT" district. They also cited traffic and safety concerns for pedestrians (joggers) and cyclists.

Gene Guernsey at 340 Grant Place
Burt & Linda Strong at 4843 Ocean Drive

Albert Kessler at 4811 Ocean Drive.
Moe Motaghi at 2921 Ocean Drive
Marty Davis at 4829 Ocean
Robert Oshman at 4728 Ocean Drive

With no one else coming forward, the public hearing was closed. Further discussion took place and Commissioner Schroeder pointed out that current construction for the Alexa Apartments already creates a dilemma for single-family lots that are even further down the road (six lots or more). Views from this apartment complex will be able to peer into many backyards. He said suggested the applicant and adjacent neighbors should work together to find a balanced solution. A motion was made by Commissioner Miller to table this item to the December 8, 2021 Commission meeting and Commissioner Schroeder seconded. The motion passed.

9. [21-1509](#) **Public Hearing - Rezoning Property at or near 3302 South Alameda Street**
Case No. 1021-04, Doc Five: Ordinance rezoning property at or near 3302 South Alameda Street (located at the northeast corner of the intersection of South Alameda Street and Texan Trail) from the "ON" Neighborhood Office District to the "CN-1" Neighborhood Commercial District.
10. [21-1510](#) **Public Hearing - Rezoning Property at or near 3202 Interstate 69**
Case No. 1021-06, Walker Holdings and Development, LLC.: Ordinance rezoning property at or near 3202 Interstate 69 (located along the east side of Interstate 69, south of County Road 52, and north of the City Limits) from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.
11. [21-1511](#) **Public Hearing - Rezoning Property at or near 7349 State Highway 361**
Case No. 1021-07, WH&CM Holdings, LLC: Ordinance for a Special Permit Time Extension of 24 months for a property at or near 7349 State Highway 361 (located along the east side of State Highway 361, south of West Palm Beach Road, and west of the Gulf of Mexico).

Mr. Dimas presented item "11" for the record as shown above. The applicant is requesting a special permit time extension of 24 months to allow for the development of a luxury RV resort community (maximum capacity of 160 RV stalls). Expiration date for this special permit is March 8, 2022 (approved last year). He presented an aerial view of the subject property. Mr. Dimas went over the history of zoning patterns in the area and adjacent development (UDC requirements - setbacks/buffer yards, etc.). He informed the Commission that of the 67 public notices mailed, 34 notices were returned in opposition and zero were returned in favor. Staff recommends approval of the 24-month time extension of the Special Permit with the following conditions remain the same (adopted ordinance #032370):

1. Uses: The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is a "Recreational Vehicle Park" as defined by the Unified Development Code (UDC). The Recreational Vehicle Park shall adhere to the standards

of Section 6.1.2 of the UDC except as explicitly listed below.

2. Density: The maximum site density shall be 8 recreational vehicle sites ("Recreational Vehicle Sites") per acre (160 total).

3. Recreational Vehicle (RV) Site Limitations: Only one recreational vehicle should be permitted per RV Site. All pads within RV Sites must be paved with concrete or concrete tile pavers and be at least 15 feet in width. All RV Sites must be at least 30 feet wide.

4. Lighting: All security lighting shall be shielded with full cutoff fixtures to avoid intrusion into the neighboring properties, and any freestanding lights shall be at least 50 feet from any property line abutting a neighboring property.

5. Stacking: A minimum of six off-street vehicle stacking spaces shall be provided between the public right-of-way and any front gate or intersection in order to allow stacking of approximately two to three RV's to avoid congestion on State Highway 361.

6. Screening: A 7-foot solid screening fence shall be installed along the northern and southern property lines.

7. Other Requirements: The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.

8. Time Limit: In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (12) months of this ordinance, unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

After Staff's presentation, the public hearing was opened. Steven Giovannini, representing Carl & Sherry Badalich at 102 West Palm Beach, addressed the Commission to express their opposition to the request and the RV resort as they do not have much information on the development plan.

Representing the new owners of the subject property, Alex Harris (developer), addressed the Commission in support of the request. He informed the Commission that the previous purchasers failed to close on the property. He said he has spoken to the Mr. Badalich, the owners have as well, and Mr. Badalich had no questions at the time nor expressed any concern. He stated the Special Permit conditions are acceptable and request no changes. He mentioned that additional time is also needed as there are delays in delivery times for construction supplies. He added that this development will be "high-end" facility. Gene Guernsey at 340 Grant Place addressed the Commission in support of this item and stated there is high demand for development such as this. He added that this site is perfect for this type of development and is a good business venture.

With no one else coming forward, the public hearing was closed. Discussion commenced on this item and Commissioner Zarghouni expressed concern for the length of time for the extension request; felt that it would set a precedent. He understood that delays due to Covid exist but thinks the developer should have a more definitive plan scheduled. Commissioner Schroeder expressed that the intent of this request is not to reconsider the appropriate purpose of the Special Permit but to ensure the applicant is not delaying the process. He felt that Staff has confirmed that the project is in progress. A

motion was made by Commissioner York to approve item "11" as presented by Staff and it was seconded by Commissioner Gonzalez. The motion passed with Commissioner Zarghouni opposed.

VII. Public Hearing (Item C & D): Discussion and Possible Action

C. Plat with a Variance (Waiver)

12. [21-1488](#) 21PL1130
CEDAR GROVE BLOCK 3, LOT 5R (REPLAT - 3.335 ACRES)
Located north of Holly Road and west of Greenwood Drive.
13. [21-1492](#) **21PL1130 - SIDEWALK**
CEDAR GROVE BLOCK 3, LOT 5R (REPLAT - 3.335 ACRES)
Located north of Holly Road and west of Greenwood Drive.

Mr. Dimas presented items "12 & 13" for the record as shown above. For location purposes, he presented an aerial map of the subject property. This is a replat of two platted lots into one lot (vacant). With the land zoned IH (Heavy Industrial), the applicant states that the purpose of the plat is to develop the property for an Industrial development.

He proceeded to outline the factors in support and against the waiver.

The applicant states that they do not believe the sidewalk should be required because:

1. The owner intends to construct a new building on the property and install a sidewalk as a public improvement as part of the construction project for the building.
2. The waiver to the public improvement would allow for the sidewalk to be constructed after the major portion of the construction has been completed.
3. FMP Masonry, Inc. would be agreeable to the completion of the sidewalk construction as a condition of the Certificate of Occupancy for the new construction project.

Factors weighing against the waiver and in support of requiring sidewalk:

1. Holly Road is categorized as an A2 Secondary Arterial street in the Urban Transportation Plan (UTP). UDC Table 8.2.1.C requires sidewalk along Arterials.
2. The area is zoned IH (Heavy Industrial). Sidewalk is required in industrial subdivisions along streets that are in the UTP as arterials or collectors, and also along "through-streets" that either are connecting to existing streets or to proposed arterials or collectors, per UDC 8.2.2.A.1.a.i and ii.
3. None of the exceptional conditions for a sidewalk waiver that are listed in UDC 8.2.2.C exist in this case.
4. There is an established sidewalk connection along Holly Road at the nearby intersection with Greenwood Drive.

Section 3.30.1 and 8.1.4 of the UDC require construction of sidewalk as part of the platting process. The UDC also states, under §8.2.2.B.1, that a waiver may be granted, in accordance with the procedures outlined in §3.8.3.D. None of the enumerated conditions

in UDC 3.8.3.D for a sidewalk waiver exist on this subject property. Further UDC Section 8.2.2.C allows for Administrative Exemptions for sidewalk construction for residential lots that meet certain provisions. The subject lot is zoned Industrial and does not qualify for an Exemption. Staff recommends denial of the waiver from the sidewalk construction requirement. Planning Commission may choose to follow or decline Staff's recommendation, and Planning Commission may approve, approve with conditions, or deny the waiver request. After Staff's presentation, Chairman Baugh opened the public hearing. With no one coming forward, the public hearing was closed. A motion was made by Commissioner York to approve item "12" but deny the waiver request for item "13". The motion was seconded by Vice Chairman Dibble and the motion passed.

D. Unified Development Code Text Amendments (State Mandates)

14. [21-1451](#) Ordinance adopting text amendments to the Unified Development Code (UDC) to remove the Planning Commission from historic designation review process and to identify grounds for undue hardship the Board of Adjustment may consider for a variance.

As a refresher, Mr. Dimas briefly went over the same presentation which was given at the last Commission meeting on October 13, 2021 along with some Board of Adjustment scenarios to further explain the proposed amendment. Staff recommends approval of the proposed text amendments to the UDC. After Staff's presentation, the public hearing was opened. With no one coming forward, the public hearing was closed. A motion was made by Commissioner York to approve item "14" as presented by Staff and it was seconded by Commissioner Zarghouni. The motion passed.

VIII. Planning Commission Training Series

15. [21-1453](#) Platting 101

Due to time constraints, Chairman Baugh decided to postpone this item for a later Commission meeting.

IX. Director's Report

Nina Nixon-Mendez, Assistant Director, informed the Commission that the next Development Task Force meeting will be on November 19, 2021 and will be held at the Kleberg Bank Community Room at 5350 S. Staples Street at 9:00 a.m.

X. Future Agenda Items: None.

XI. Adjournment of Planning Commission Meeting

There being no further business to discuss, Chairman Baugh adjourned the meeting at 8:15 p.m.